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11 AND INTERNATIONAL IP HOLDINGS, LLC

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 INNOVATION VENTURES, LLC, LIVING  
ESSENTIALS, LLC, and INTERNATIONAL IP  
16 HOLDINGS, LLC,

17 Plaintiff,

18 v.

19 PITTSBURG WHOLESALE GROCERS, INC.,  
20 d/b/a PITCO FOODS, ET AL.,

21 Defendants

22  
23 RELATED ACTIONS.

Case No.: C-12-5523-WHA

**STIPULATION AND ORDER  
GOVERNING OUTSTANDING  
DISCOVERY ISSUES BETWEEN  
DAN-DEE COMPANY, INC. AND  
INNOVATION VENTURES, LLC, LIVING  
ESSENTIALS, LLC, AND  
INTERNATIONAL IP HOLDINGS, LLC,  
AS MODIFIED BY THE COURT**

1 WHEREAS, Plaintiffs Innovation Ventures, LLC, Living Essentials, LLC, and International IP  
2 Holdings, LLC (collectively, “Living Essentials”) filed and served its Second Amended Complaint on  
3 December 5, 2012;

4 WHEREAS, defendant Dan-Dee Company, Inc. (“Dan-Dee”) filed and served its First  
5 Amended Answer to Living Essentials’ Second Amended Complaint on March 8, 2013, which alleged  
6 numerous affirmative defenses;

7 WHEREAS, Dan-Dee filed its First Set of Requests for Production and First Set of Special  
8 Interrogatories on March 21, 2013;

9 WHEREAS, Living Essentials responded and objected to Dan-Dee’s First Set of Requests for  
10 Production and First Set of Special Interrogatories on April 26, 2013;

11 WHEREAS, Judge Alsup issued an order on July 3, 2013, quashing certain of Dan-Dee’s  
12 interrogatories and document requests, requiring Living Essentials to respond to Interrogatories Nos. 2-  
13 3, 8-9, and 11-12, and referring other discovery matters to this Court;

14 WHEREAS, Living Essentials filed a 12(c) motion for Partial Judgment on the Pleadings  
15 against Dan-Dee on July 15, 2013;

16 WHEREAS, Living Essentials’ 12(c) motion for Partial Judgment on the Pleadings against  
17 Dan-Dee is scheduled to be heard by Judge Alsup on August 22, 2013, at 8:00 am;

18 WHEREAS, on July 17, 2013, this Court ordered the Parties to submit a joint letter on  
19 requests for production 2-4 and 12-17 no later than July 24, 2013, and ordered Living Essentials to  
20 respond no later than July 31, 2013, to the Interrogatories covered by Judge Alsup’s July 3, 2013  
21 Order;

22 WHEREAS, the parties have met and conferred as to the outstanding discovery issues; and

23 WHEREAS, the parties agree that the interests of judicial economy are best served by avoiding  
24 unnecessary motion practice;

25 WHEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the  
26 undersigned, and subject to approval by the Court, that:  
27  
28

- 1) No submission of a joint statement by the parties will be required on July 24, 2013.
- 2) Living Essentials will produce responses to Dan-Dee's Interrogatories Nos. 2-3, 8-9, 11-12 by Wednesday, July 31, 2013.
- 3) Living Essentials will produce documents responsive to Dan-Dee's Requests for Production Nos. 2-4 by Wednesday, July 31, 2013.
- 4) The Parties will postpone resolution of Dan-Dee's remaining Requests for Production until Judge Alsup reaches a decision on Living Essentials' Rule 12(c) Motion for Partial Judgment on the Pleadings.
- 5) The Parties will submit to this Court a joint statement resolving all or substantially all outstanding discovery disputes within three business days of Judge Alsup's ruling on Living Essentials' Rule 12(c) Motion for Partial Judgment on the Pleadings, to avoid delay in light of Judge Alsup's direction to not delay resolution of discovery disputes and this Court's prior order to present unresolved issues to the Court for decision by July 24, 2013, which the parties preferred to avoid doing.
- 6) Within 14 days of an order by this Court on any outstanding discovery issues, Living Essentials will produce the documents ordered by the Court.

CONSENTED AND AGREED BY:

1 Dated: July 23, 2013

MURPHY PEARSON BRADLEY & FEENEY

2  
3 /s/ Thomas P. Mazzucco

4 Thomas P. Mazzucco  
5 *Attorneys for Plaintiffs*  
6 *Innovation Ventures, LLC, Living Essentials,*  
7 *LLC, and International IP Holdings, LLC*

8 Dated: July 23, 2013

PATTERSON BELKNAP WEBB & TYLER LLP

9 /s/ Geoffrey Potter

10 Geoffrey Potter  
11 Michelle W. Cohen  
12 Christos G. Yatrakis  
13 *Attorneys for Plaintiffs*  
14 *Innovation Ventures, LLC, Living Essentials,*  
15 *LLC, and International IP Holdings, LLC*

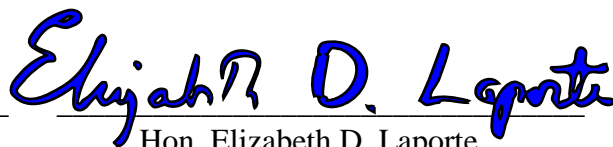
16 Dated: July 23, 2013

17 /s/ William Markham

18 William Markham  
19 Law Offices of William Markham, P.C.  
20 *Attorney for Defendant Dan-Dee Company, Inc.*

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED: July 24, 2013

23 

24 Hon. Elizabeth D. Laporte  
25 United States Magistrate Judge  
26  
27  
28